

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61561 of 2021

Arising Out of PS. Case No.-330 Year-2021 Thana- MASHRAK District- Saran

1. SUDARSHAN RAI Son of Late Saryug Rai Resident of Village- Jajauli, Mathiya Tola, P.S.- Masrakh, District- Saran (Chapra)
2. Vijay Rai Son of Late Bishwanath Rai Resident of Village- Jajauli Mathiya Tola, P.S.- Masrakh, District- Saran (Chapra)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Mishra

For the Opposite Party/s : Mr.Sanjay Kumar

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 30-03-2022 Heard.

The petitioners seek regular bail in connection with Masrakh P.S. Case No. 330 of 2021, registered for the offence punishable under sections 366A/34 of the Indian Penal Code.

The allegation is regarding the accused persons having kidnapped the victim girl.

The learned counsel for the petitioners has submitted that the petitioners are innocent, have been falsely implicated in the present case, are having a clean antecedent and are languishing in custody since 26.07.2021. The learned counsel for the petitioners has further submitted that as far as



the petitioner no.1 is concerned, he is the cousin grand father of the so called main accused person namely Rahul Kumar, who is stated to have eloped with the victim girl and as far as the petitioner no.2 is concerned, he is the uncle of the said Rahul Kumar. It is further submitted that the petitioners are not at all having any complicity in the alleged incident, which is apparent from the statement made by the victim girl under Section 164 of the Cr. P.C., before the learned Magistrate, which is annexed as Annexure-2 to the present petition. It is also submitted that the said statement of the victim girl would bear it out that the victim girl is a major, she had voluntarily eloped with the said Rahul Kumar, had solemnized marriage with him and in fact it is her categorical statement that nobody had kidnapped her and that she wants to go to her matrimonial home.

Per contra, the learned APP for the State, has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the parties and taking into account the materials available on record as also considering the statement made by the victim girl under



Section 164 Cr. P.C., from which the complicity of the petitioners in the alleged occurrence is not made out, I deem it fit and proper to admit the petitioner to the privilege of regular bail.

Accordingly, the petitioners, above named, are directed to be released on bail on furnishing bail- bonds of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Chapra in connection with Masrakh P.S. Case No. 330 of 2021.

(Mohit Kumar Shah, J)

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